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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,794	04/06/1999	MARK E. BAER	28076/SV703A	5439

7590 09/14/2006

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EXAMINER

BLOUNT, STEVEN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

isv

Office Action Summary

Application No.

09/286,794

Applicant(s)

BAER ET AL.

Examiner

Steven Blount

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/24/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58,59,68 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 68 is/are allowed.
- 6) ☒ Claim(s) 58,59 and 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/24/06 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 69 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 3,037,455 to Bozimowski et al.

Bozimowski et al teaches motor shaft 23, shaft extension 27 which is joined to nut 37 to create a non-circular cross sectional area on its inner surface, fan impeller 16, nut 38, and lower pump assembly 25.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,037,455 to Bozimowski et al in view of U.S. patent 4,102,601 to Bischoff.

With regard to claim 58, see the rejection above, noting motor shaft 23, extension 27 impeller 25.

Bozimowski et al does not however teach the use of a pair of washers as claimed.

Bischoff teaches washers 26/27 adjoining a fan on a fan shaft to provide a bearing surface.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Bozimowski et al with washers on opposite sides of fan member 16, in light of the teachings of Bischoff, in order to provide a means for preventing the fan from bearing directly upon the surfaces of housing member 10 or its supporting member.

6. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 3,037,455 to Bozimowski et al in view of U.S. patent 4,102,601 to Bischoff as applied above to claim 58, and further in view of U.S. patent 4,406,465 to Rockwood et al.

Bozimowski et al/Bischoff teach the invention as described above but do not teach the use of a threaded retainer abutting the second washer. This is taught in Rockwood et al. See member 50, figure 2.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Bozimowski with a threaded retainer abutting the washers of

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Bozimowski et al/Bischoff in light of the teachings of Rockwood et al in order to provide a bearing surface that is further removed from the fan such that the fan may be serviced more easily (ie, so that lubrication, etc. may be more easily applied).

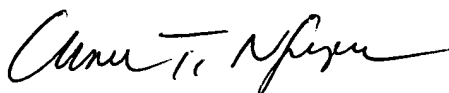
7. Claim 68 is allowed.

8. The examiner notes that, with respect to claim 68, although it is not explicitly taught that fan impeller 16 abuts (or nearly abuts) housing 10 such that a washer would be desirable on the "upper" end of the motor shaft, the examiner believes one of ordinary skill in the art would find it desirable to having a close fitting with the said housing (and any members associated with the housing) in order to prevent vibrations which would occur if there were a space between the fan and the said housing.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571 - 272 - 7269 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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9/1/06